

Notice of Allowability

Application No.

10/798,875

Examiner

Dah-Wei D. Yuan

Applicant(s)

KELLEY ET AL.

Art Unit

1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/26/05.
2. ☒ The allowed claim(s) is/are 27-33,36-41 and 43-52.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 08262005
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other Interview Summary.

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BATTERY INCLUDING CARBON FOAM CURRENT COLLECTORS

Examiner: Yuan

S.N. 10/798,875

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September 7, 2005

Detailed Action

1. The Applicant's Request for Reconsideration filed on August 26, 2005 was received.
2. The text of those sections of Title 35, U.S.C. code not included in this action can be found in the prior Office Action issued on July 12, 2005.

Claim Rejections

3. The claim rejections under 35 U.S.C. 112, first paragraph, on claims 27-33,36-41,43-52 are withdrawn because Applicant's arguments are persuasive. The claim rejections under 35 U.S.C. 102(b) as anticipated by Saito et al. on claims 27-29,31,32,36,38-40 are withdrawn because Applicant's arguments are persuasive. The claim rejections under 35 U.S.C. 103(a) as obvious over Saito et al. and Ludwig et al. on claims 30,46,47,52 have been withdrawn because Applicant's arguments are persuasive. The claim rejections under 35 U.S.C. 103(a) as obvious over Saito et al. and Nagle et al. on claims 48-51 have been withdrawn because Applicant's arguments are persuasive. The claim rejections under 35 U.S.C. 103(a) as obvious over Saito et al. and James et al. on claims 33,37,43-45 have been withdrawn because Applicant's arguments are persuasive.

Reasons for Allowance

4. Claims 27-33,36-41,43-52 are allowed. The invention of independent claim 27 recites a battery comprising a housing, a positive terminal and a negative terminal, at least one cell, and an acidic electrolytic solution, wherein the at least one positive plate further includes a carbon foam current collector including a network of pores and a chemically active material disposed on the carbon foam current collector such that the chemically active material penetrates the network of pores. The closest prior arts of record, Saito et al. and Rogers et al., do not teach or suggest the use of a positive plate comprising a carbon foam current collector in a battery with an acidic electrolytic solution. The invention of independent claim 36 recites a battery comprising a housing, a positive terminal and a negative terminal, at least one cell, and an acidic electrolytic solution, wherein the at least one negative plate further includes a carbon foam current collector including a network of pores and a chemically active material disposed on the carbon foam current collector such that the chemically active material penetrates the network of pores. The closest prior arts of record, Saito et al. and Rogers et al., do not teach or suggest the use of a negative plate comprising a carbon foam current collector in a battery with an acidic electrolytic solution.

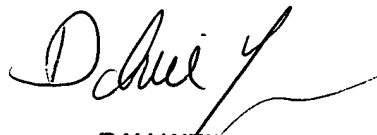
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dah-Wei D. Yuan whose telephone number is (571) 272-1295. The examiner can normally be reached on Monday-Friday (8:00-5:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick J. Ryan, can be reached on (571) 272-1292. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dah-Wei D. Yuan
September 7, 2005



DAH-WEI YUAN
PRIMARY EXAMINER